

HOUSE BILL NO. 391

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 2/22/22

Referred: Education, State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to public school curricula; relating to principles of individual freedom;**
2 **relating to requirements regarding beliefs; relating to the ombudsman; relating to state**
3 **and municipal assets; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 14.03 is amended by adding a new section to read:

6 **Sec. 14.03.098. Curricula and principles of individual freedom.** (a) A
7 school board shall ensure that a curriculum taught in the district is consistent with the
8 principles of individual freedom identified in AS 14.18.065.

9 (b) In this section, "district" has the meaning given in AS 14.17.990.

10 * **Sec. 2.** AS 14.18 is amended by adding a new section to read:

11 **Sec. 14.18.065. Principles of individual freedom.** (a) The legislature finds
12 that it is a fundamental truth that all individuals are equal before the law and possess
13 inalienable rights. Accordingly, all instruction in public schools must be consistent
14 with the following principles of individual freedom:

1 (1) an individual is not inherently racist, sexist, or oppressive,
2 consciously or unconsciously, solely by virtue of the individual's race, color, sex, or
3 national origin;

4 (2) an individual is not inherently superior or inferior by virtue of the
5 individual's race, color, sex, or national origin;

6 (3) meritocracy is not racist and is fundamental to the right of an
7 individual to pursue happiness and enjoyment of the rewards of the individual's own
8 industry;

9 (4) an individual does not bear responsibility for actions committed by
10 another person because of the individual's race, color, sex, or national origin;

11 (5) an individual should not be made to feel discomfort, guilt, anguish,
12 or any other form of psychological distress because of the individual's race, color, sex,
13 or national origin.

14 (b) A public school or district may not direct or otherwise compel a student to
15 personally affirm, adopt, or adhere to a belief that is inconsistent with the principles of
16 individual freedom identified in (a) of this section. The prohibitions in (a) of this
17 section do not prevent a person from discussing a belief listed in (a) of this section as
18 part of a course of training or instruction if the training or instruction is presented in an
19 objective manner that does not endorse the belief. Public school instruction may
20 facilitate discussion and address sexism, slavery, racial segregation, and racial
21 discrimination, including discussion of the enactment and enforcement of laws
22 resulting in sexism, racial segregation, and racial discrimination.

23 (c) On or before September 30 of each year, the department shall determine
24 whether instruction in a district violates this section. If the department determines that
25 instruction in a district violates this section, the amount of funding that the district is
26 eligible for under AS 14.17.410 shall be reduced by five percent.

27 (d) On or before November 1 of each year, the department shall submit to the
28 chair of the committee of each house with primary jurisdiction over education a report
29 that identifies, for the preceding school year, each district that instructed students in
30 violation of this section, each district that received reduced funding under (c) of this
31 section, and each district that had state funds withheld under AS 14.18.090(b).

(e) In this section,

(1) "district" has the meaning given in AS 14.17.990;

(2) "public school" has the meaning given in AS 44.99.040(b).

* **Sec. 3.** AS 14.18.090(b) is amended to read:

(b) After a finding by the board that a district or regional educational attendance area has not complied with **AS 14.18.020 - 14.18.060** [AS 14.18.020 - 14.18.070], and that the measures taken under (a) of this section have been ineffective, the board shall withhold state funds in accordance with AS 14.07.070.

* **Sec. 4.** AS 18.80 is amended by adding a new section to read:

Sec. 18.80.258. Unlawful requirements regarding beliefs. (a) A person may not subject an individual, as a condition of employment, certification, licensing, credentialing, or examination passage, to training, instruction, or another required activity that espouses, promotes, advances, inculcates, or encourages the individual to affirm, believe, or not oppose any of the following beliefs:

(1) an individual, by virtue of the individual's race, color, sex, or national origin, is superior to members of another race, color, sex, or national origin;

(2) an individual, by virtue of the individual's race, color, sex, or national origin, is more or less racist, sexist, or oppressive than another individual, whether consciously or unconsciously;

(3) an individual's moral character or status as privileged or oppressed is determined, partially or entirely, by the individual's race, color, sex, or national origin;

(4) members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin;

(5) an individual, by virtue of the individual's race, color, sex, or national origin, bears responsibility for, or should be discriminated against or receive adverse treatment because of, an action committed by another person;

(6) an individual, by virtue of the individual's race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion;

(7) an individual should feel discomfort, guilt, anguish, or another

1 form of psychological distress because of the individual's race, color, sex, or national
2 origin;

3 (8) merit, excellence, hard work, fairness, neutrality, objectivity, and
4 racial colorblindness are sexist, racist, or determined by an individual's race, color,
5 sex, or national origin.

6 (b) The prohibitions in (a) of this section do not prevent a person from
7 discussing a belief listed in (a) of this section as part of a course of training or
8 instruction if the training or instruction is presented in an objective manner that does
9 not endorse the belief.

10 * **Sec. 5.** AS 24.55.320 is amended to read:

11 **Sec. 24.55.320. Municipalities and school districts.** A municipality or school
12 district may elect to become subject to the general jurisdiction of the ombudsman
13 appointed under this chapter. If a municipality or school district so elects, it shall
14 notify the ombudsman of that election and shall thereafter be considered an agency for
15 the purposes of this chapter. If a municipality or school district subjects itself to the
16 general jurisdiction of the ombudsman, the municipality or school district shall pay its
17 pro rata share of the cost of the operation of the office of the ombudsman based on the
18 number of complaints or the case load emanating from that municipality or school
19 district, as prescribed by the ombudsman. If a municipality or school district elects to
20 remove itself from the general jurisdiction of the ombudsman, it shall notify the
21 ombudsman of that election and shall not thereafter be considered an agency for the
22 purposes of this chapter. A municipality that elects to become subject to the general
23 jurisdiction of the ombudsman or to remove itself from that jurisdiction must do so by
24 ordinance. A school district that elects to become subject to the general jurisdiction of
25 the ombudsman or to remove itself from that jurisdiction must do so by resolution.

26 * **Sec. 6.** AS 24.55.320 is amended by adding a new subsection to read:

27 (b) Regardless of an election under (a) of this section, a municipality, school
28 district, or regional educational attendance area is subject to the jurisdiction of the
29 ombudsman appointed under this chapter to investigate alleged violations of
30 AS 14.03.098, AS 14.18.065, AS 18.80.258, and AS 44.99.040(c).

31 * **Sec. 7.** AS 24.55 is amended by adding a new section to read:

1 **Sec. 24.55.325. Unlawful requirements regarding beliefs hotline.** (a) The
 2 ombudsman shall provide a hotline to receive complaints relating to unlawful
 3 requirements regarding beliefs under AS 14.03.098, AS 14.18.065, AS 18.80.258, and
 4 AS 44.99.040(c).

5 (b) The ombudsman shall, not later than the first day of each regular session of
 6 the legislature, provide a report to the president of the senate and the speaker of the
 7 house of representatives describing complaints received by way of the unlawful
 8 requirements regarding beliefs hotline.

9 * **Sec. 8.** AS 24.55.330(2) is amended to read:

10 (2) "agency" includes a department, office, institution, corporation,
 11 authority, organization, commission, committee, council, or board of a municipality,
 12 **school district, or regional educational attendance area** or in the executive,
 13 legislative, or judicial branches of the state government, and a department, office,
 14 institution, corporation, authority, organization, commission, committee, council, or
 15 board of a municipality, **school district, or regional educational attendance area** or
 16 of the state government independent of the executive, legislative, and judicial
 17 branches; it also includes an officer, employee, or member of an "agency" acting or
 18 purporting to act in the exercise of official duties, but does not include the governor,
 19 the lieutenant governor, a member of the legislature, the victims' advocate, the staff of
 20 the office of victims' rights, a justice of the supreme court, a judge of the court of
 21 appeals, a superior court judge, a district court judge, a magistrate, a member of a city
 22 council or borough assembly, an elected city or borough mayor, or a member of an
 23 elected school board;

24 * **Sec. 9.** AS 44.99.040(b) is amended by adding a new paragraph to read:

25 (3) "public school" means a school with grade levels pre-elementary
 26 through 12, or any combination of grades within this range, that is supported by public
 27 funds.

28 * **Sec. 10.** AS 44.99.040 is amended by adding new subsections to read:

29 (c) A state or municipal agency may not use or authorize the use of an asset to
 30 promote any of the following beliefs:

31 (1) an individual, by virtue of the individual's race, color, sex, or

1 national origin, is superior to members of another race, color, sex, or national origin;

2 (2) an individual, by virtue of the individual's race, color, sex, or
3 national origin, is more or less racist, sexist, or oppressive than another individual,
4 whether consciously or unconsciously;

5 (3) an individual's moral character or status as privileged or oppressed
6 is determined, partially or entirely, by the individual's race, color, sex, or national
7 origin;

8 (4) members of one race, color, sex, or national origin cannot and
9 should not attempt to treat others without respect to race, color, sex, or national origin;

10 (5) an individual, by virtue of the individual's race, color, sex, or
11 national origin, bears responsibility for, or should be discriminated against or receive
12 adverse treatment because of, an action committed by another person;

13 (6) an individual, by virtue of the individual's race, color, sex, or
14 national origin, should be discriminated against or receive adverse treatment to
15 achieve diversity, equity, or inclusion;

16 (7) an individual should feel discomfort, guilt, anguish, or another
17 form of psychological distress because of the individual's race, color, sex, or national
18 origin;

19 (8) merit, excellence, hard work, fairness, neutrality, objectivity, and
20 racial colorblindness are sexist, racist, or determined by an individual's race, color,
21 sex, or national origin.

22 (d) A state or municipal agency may not use or authorize the use of an asset to
23 encourage, reward, or penalize a public school student for affirming, or failing to
24 affirm a belief that is inconsistent with, the following principles:

25 (1) an individual is not inherently racist, sexist, or oppressive,
26 consciously or unconsciously, solely by virtue of the individual's race, color, sex, or
27 national origin;

28 (2) an individual is not inherently superior or inferior by virtue of the
29 individual's race, color, sex, or national origin;

30 (3) meritocracy is not racist and is fundamental to the right of an
31 individual to pursue happiness and enjoyment of the rewards of the individual's own

1 industry;

2 (4) an individual does not bear responsibility for actions committed by
3 another person because of the individual's race, color, sex, or national origin;

4 (5) an individual should not be made to feel discomfort, guilt, anguish,
5 or any other form of psychological distress because of the individual's race, color, sex,
6 or national origin.

7 (e) The prohibitions in (c) and (d) of this section do not prevent a person from
8 discussing a belief listed in (a) of this section as part of a course of training or
9 instruction if the training or instruction is presented in an objective manner that does
10 not endorse the belief.

11 * **Sec. 11.** AS 14.18.070 is repealed.

12 * **Sec. 12.** Section 1 of this Act takes effect July 1, 2023.